IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

THURSDAY, THE 22ND NOVEMBER 2007 / 1ST AGRAHAYANA 1929

Bail Appl..No. 7258 of 2007()

(CRIME NO.1609/2007 OF ALUVA POLICE STATION, ERNAKULAM DISTRICT)

PETITIONER/ACCUSED NO.8:

MANEESH.C.D., AGED 25 YEARS,
S/O.DEVASSY, CHEMBAKASSERY, ASOKAPURAM P.O.,
ALUVA, ERNAKULAM DISTRICT.

BY ADV. SRI.C.C.THOMAS

RESPONDENT: COMPLAINANT:

STATE OF KERALA, REPRESENTED BY
SUB INSPECTOR OF POLICE, ALUVA POLICE STATION,
ERNAKULAM DISTRICT, REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI. S.U. NAZAR

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 22/11/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

KSS

R. BASANT, J.

B.A. No. 7258 OF 2007

Dated this the 22nd day of November, 2007

O R D E R

Application for anticipatory bail. The petitioner is now arrayed as the 8th accused in a crime registered for offences punishable under sections 308 and 304 IPC and section 8 of the Kerala Abkari Act.

2. Altogether there are 8 accused persons. The incident took place on 15.9.07. Accused 1 to 4 were proceeding in a vehicle of which A1 was the driver. They were allegedly carrying contraband arrack in the car. The car was driven in a very rash and negligent manner. It ran over some persons. Two persons died, some others suffered injuries. The vehicle was abandoned at a different spot and the miscreants went away. Accused no.5 is alleged to have supplied the arrack to accused Nos.1 to 4. Accused No.6 in turn supplied arrack to accused No.5. Accused No.7 is the present owner of the vehicle. Accused No.8 is the brother of a person whose marriage was fixed and to celebrate which marriage, contraband liquor was carried by A1 to A4 in the vehicle of A7. It is alleged that it was the petitioner, who through a friend, approached A7 and got the vehicle for use in connection with the celebration of the marriage of his brother. It is the case of the prosecution that the vehicle was procured by the petitioner and the transportation of liquor was with

the knowledge and for the purpose of celebration of the marriage of the brother of A8. The petitioner was arrested on 17.11.07. He continues in custody from that date.

3. The learned counsel for the petitioner submits that the petitioner has no specific role to play in the commission of the crime at all. He was not named in the array of accused. He has been implicated at the later stage. Merely because the petitioner had contacted A7 and obtained vehicle for the celebration of the marriage of his brother, it cannot be lightly be assumed that he is responsible for all the mischief which has been committed by others. In any view of the matter, the petitioner who was arrested on the date of his betrothal ceremony i.e., on 17.11.07, and whose marriage is scheduled to be solemnised on 25.11.07 may be enlarged on bail subject to appropriate terms and conditions.

4. The learned Public Prosecutor does not oppose the application and I am satisfied in the peculiar facts and circumstances that regular bail can be granted to the petitioner subject to appropriate conditions.

5. In the result, this petition is allowed. The petitioner shall be released on bail on the following terms and conditions:-

i) The petitioner shall execute a bond for Rs.50,000/- (Rupees fifty thousand only) with two solvent sureties each for the like sum to the

satisfaction of the learned Magistrate.

ii) The petitioner shall make himself available for interrogation before the investigating officer between 10 a.m and 12 noon on 27.11.2007 and 28.11.07 and thereafter as and when directed by the investigating officer in writing to do so.

(R.BASANT, JUDGE)

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